

Judge: Marc Barreca

Chapter: 11

Hearing:

Hearing Location: Seattle, WA

Hearing Date: May 22, 2015

Hearing Time: 9:30 a.m.

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In re)	No. 10-23806-MLB
)	
Casey S Sullivan fka Casey B Sullivan dba)	
Columbia Funding dba Terri Court)	
Condominiums LLC and Stephanie F. Sullivan,)	NOTICE OF HEARING AND
)	OPPOSITION TO MOTION TO
Debtors.)	REOPEN BANKRUPTCY CASE
)	AND ENTER DISCHARGE
)	

PLEASE TAKE NOTICE THAT Bank of America, N.A.'s Opposition to Motion to
Reopen Bankruptcy Case and Enter Discharge IS SET FOR HEARING as follows:

JUDGE: MARC BARRECA

TIME: 9:30 a.m.

PLACE: U.S. Bankruptcy Court
Seattle, Washington

DATE: May 22, 2015

Gig Harbor Law
5801 Soundview Dr., Ste. 50-C
Gig Harbor, WA 98335
(253)509-0625 / Fax (253) 509-0765
E-mail: creditorbk@gigharborlaw.net

1 **OPPOSITION TO MOTION TO REOPEN BANKRUPTCY CASE, ENTER**
2 **DISCHARGE AND CLOSE CASE**

3 One West Bank, FSB, its assignees and/or successors in interest ("Creditor") is the holder
4 of a Note and senior Deed of Trust secured against the real property located at **6640 SW Terri**
5 **Court, Portland, Oregon 97225** ("Subject Property"). Creditor hereby submits the following
6 Opposition to Motion to Reopen Bankruptcy Case, Enter Discharge and Close Case ("Motion"):

7 **INTRODUCTION**

8 On November 16, 2010 ("Petition Date"), Casey S and Stephanie F Sullivan ("Debtors")
9 filed a voluntary petition under Chapter 11 of the Bankruptcy Code. Creditor filed its secured
10 Proof of Claim as Claim 47 on April 29, 2011. The Proof of Claim was later amended and
11 provided for a secured claim of \$354,432.97.

12 Debtors filed a series of Plans and the First Amended Plan was confirmed on May 4,
13 2012 as docket entry 232. The confirmed Plan incorporated by reference an agreed order on a
14 stipulation filed as docket entry 230 on May 4, 2012 which treated Creditor in Class 13. The
15 effective date was June 3, 2012. The treatment provided for payment of the secured portion of
16 the Class 13 claim as follows: \$260,000.00 at 5.25% over 30 years. The Debtor was to fund an
17 escrow account for payment of taxes and insurance.

18 As of the current time, Debtors are not current in their postpetition payments. Although it
19 appears that they have been satisfying the principal and interest amount each month, they have
20 not been paying the entire escrow portion. At the current time, they are in arrears over
21 \$20,000.00. Debtors are therefore not eligible for a discharge at this time as they have not made
22 their payments on long term secured debt as provided in the Plan. Under 11 U.S. Code § 1141
23 (5)(A), payments under the Plan must be made prior to discharge. There is no cause to excuse
24 Debtors from this requirement. Until this matter is resolved, the discharge should not be granted.

25 Gig Harbor Law
26 5801 Soundview Dr., Ste. 50-C
27 Gig Harbor, WA 98335
28 (253)509-0625 / Fax (253) 509-0765
 E-mail: creditorbk@gigharborlaw.net

1 CONCLUSION

2 As stated above, it is respectfully requested that the Debtors' discharge not be entered at
3 this time until the full amount of payments due under the Plan to date has been made.

4 Dated: 5/15/15

By /s/ Nathan Sukhia
NATHAN SUKHIA, WSBA #31700
Gig Harbor Law
5801 Soundview Drive, Suite 50-C
Gig Harbor, WA 98335
(253) 509-0625
(253) 509-0765 fax
creditorbk@gigharborlaw.net
O.027-133

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
Gig Harbor Law
5801 Soundview Dr., Ste. 50-C
Gig Harbor, WA 98335
(253)509-0625 / Fax (253) 509-0765
E-mail: creditorbk@gigharborlaw.net

CERTIFICATE OF SERVICE

I certify that copies of the foregoing were sent by first class mail and/or served via
ecf email on May 15, 2015, addressed to the parties as shown below:

Casey S Sullivan
Stephanie F Sullivan
6756 266th Ct SE
Issaquah, WA 98029
Debtors

Shelly Crocker
Jamie J McFarlane
Resolve Legal PLLC
720 Olive Way Ste 1000
Seattle, WA 98101
Attorney for Debtors

Jill I Lunn
700 Stewart St Ste 5103
Seattle, WA 98101
Attorney for U.S. Trustee

/s/ Nathan Sukhia
NATHAN SUKHIA, WSBA #31700
Retained Counsel

Gig Harbor Law
5801 Soundview Dr., Ste. 50-C
Gig Harbor, WA 98335
(253)509-0625 / Fax (253) 509-0765
E-mail: creditorbk@gigharborlaw.net